

REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 3, 2005 (Paper No. 20050928). Upon entry of this response, claims 3-5, 7-11, 16, 18, 62-64, 66-79, and 81-111 are pending in the application. In this response, claims 3, 5, 7-10, 16, 18, 63, 66, 78, 81, 87, and 105-111 have been amended, and claims 65 and 80 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 3-11, 16, 18, 62, and 105-111 under 35 U.S.C. § 112, Second Paragraph

Claims 3-11, 16, 18, 62, and 105-111 have been rejected under 35 U.S.C. §112, second paragraph, as alleged being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. With regard to claims 3-11, 16, 18, and 62, the Office Action states that claims 3-11, 16, 18, and 62 have improper dependencies. (Office Action, p. 2.) Claim 3, 5, 7-10, 16, and 18, which improperly depended from claim 62, have been amended to depend from independent claim 63. Claim 4 has not been amended, as it properly depends from dependent claim 3. Claims 11 and 62 have not been amended, as each properly depends from dependent claim 10.

With regard to claims 105-111, the Office Action states that:

It is unclear whether the Applicants intended part a of claim 105 to mean that the first communication device is located in a first network and the network is operated by a first provider and the second communication device is operated by a second provider, or, as believed by the examiner and as is consistent with claim 87 and the Specification, that the first communication device is located in a first network and the first network is operated by a first provider and the second communication device is located in a second network and the second network is operated by a second provider. (Office Action, p. 2.)

Claim 105 has been amended to recite “and the second communication device located in a second network operated by a second provider different than the first provider.”

Applicants submit that this amendment overcomes the rejection of claims 3-11, 16, 18, 62, and 105-111, and requests that the rejection be withdrawn.

2. Rejection of Claims 3-5, 7-9, 16, 62-63, 65-68, 72, 74-75, 77-78, 80-83, 86-89, 95, 98, 101-102, 104-109, and 111 under 35 U.S.C. §102

Claims 3-5, 7-9, 16, 62-63, 65-68, 72, 74-75, 77-78, 80-83, 86-89, 95, 98, 101-102, 104-109, and 111 have been rejected under §102(b) as allegedly anticipated by (Applicants’ admitted prior art). Applicants traverse the rejection of claims 78, 81-83, 86, 105-109, and 111. Applicants respectfully submit that the rejection of claims 3-5, 7-9, 16, 62, 63, 66-68, 72, 74-75, and 77 has been overcome by the claim amendments made herein. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 78, 81-83, and 86

Applicants respectfully submits that Applicants’ admitted prior art fails to teach, disclose or suggest at least the feature of a “means for configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier” as recited in claim 78. The Office Action alleges that p. 6-7 of the instant application disclose this feature. Applicants respectfully disagree. The Background section of the instant Specification describes a **human** operator establishing a VC path between switches. For example,

The contracted network services may have to be provided from NSP network 26 through access provider network 24. An NSP

operator working from OC 78 may have to access communication device 32. The NSP operator would first have to contact the access provider operator working in OC 62, via communications path 94, with a request to establish connectivity between switch 50 and communication device 50....The process of manually requesting and then establishing a VC 92 from the NSP 26 to communications device 32 through an access provider's network 24 creates several problems and inefficiencies.
(Specification, p. 6 line 29 to p. 7, line 12.)

In contrast, independent claim 78 is a system reciting structure ("means for") to perform network configuration ("configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier.")

For at least the reason that Applicants' admitted prior art fails to disclose, teach or suggest structure to perform the recited function, Applicants respectfully submits that Applicants' admitted prior art does not anticipate independent claim 78. Furthermore, since claim 78 is allowable, Applicants respectfully submits that claims 81-83 and 86 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants requests that the rejection of claims 78, 81-83, and 86 be withdrawn.

b. Claims 105-109, and 111

Applicants respectfully submits that Applicants' admitted prior art fails to teach, disclose or suggest at least "a computer-readable medium having a program, implemented by a troubleshooting portal...the program comprising the steps of... coupling the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device" as recited in claim 105. As discussed above, the Background section of the instant Specification describes a **human** operator

establishing a VC path between switches. In contrast, claim 105 recites a computer-readable medium having a program that couples two channels.

For at least the reason that Applicants' admitted prior art fails to disclose, teach or suggest the above-described feature, Applicants respectfully submits that Applicants' admitted prior art does not anticipate claim 105. Furthermore, since claim 105 is allowable, Applicants respectfully submits that claims 106-109 and 111 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants requests that the rejection of claims 105-109, and 111 be withdrawn.

c. Claims 63 and 87

Claims 63 and 87 have been amended to recite "a computer-implemented method, implemented by a troubleshooting portal." As discussed above, the Background section of the instant Specification describes a **human** operator establishing a path between switches. Thus, Applicants respectfully submits that Applicants' admitted prior art does not disclose the features recited in amended claims 63 and 87, and requests that the rejection of claims 63 and 87 be withdrawn.

d. Claims 3-5, 7-9, 16, 62, 65-68, 72, 74-75, 77, 88-89, 95, 98, 101-102, and 104

Since claims 105-109, and 111 are allowable, Applicants respectfully submits that claims 3-5, 7-9, 16, 62, 65-68, 72, 74-75, 77, 88-89, 95, 98, 101-102, and 104 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully requests that the rejection of claims 3-5, 7-9, 16, 62, 65-68, 72, 74-75, 77, 88-89, 95, 98, 101-102, and 104 be withdrawn.

3. Rejection of Claims 3, 5, 10-11, 16, 18, 62-64, 69, 75-76, 78-79, 84, 87, 90-92, 97, 99, 102-103, 105, and 109-110 under 35 U.S.C. §102

Claims 3, 5, 10-11, 16, 18, 62-64, 69, 75-76, 78-79, 84, 87, 90-92, 97, 99, 102-103, 105, and 109-110 have been rejected under §102(e) as allegedly anticipated by *Hassell* (U.S. 6,625,114). Applicants respectfully submits that the rejection of claims 3, 5, 10-11, 16, 18, 62-64, 69, 75-76, 78-79, 84, 87, 90-92, 97, 99, 102-103, 105, and 109-110 has been overcome by the claim amendments made herein. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 63, 78, 87, and 105

Applicants respectfully submit that *Hassell* fails to teach, disclose, or suggest at least “receiving at least troubleshooting data and a test from the first communication device; and communicating the received troubleshooting data and the test to the second communication device” as recited in claims 63, 78, 87, and 105. *Hassell* does not disclose, teach, or suggest any sort of troubleshooting data or test. For at least the reason that *Hassell* fails to disclose, teach, or suggest this feature, Applicants respectfully submit that *Hassell* does not anticipate claims 63, 78, 87, and 105. Therefore, Applicants respectfully request that the rejection of claims 63, 78, 87, and 105 be withdrawn.

b. Claims 3, 5, 10-11, 16, 18, 62, 64, 69, 75-76, 79, 84, 90-92, 96-97, 99, 102-103, and 109-119

Since claims 63, 78, 87, and 105 are allowable, Applicants respectfully submit that claims 3, 5, 10-11, 16, 18, 62, 64, 69, 75-76, 79, 84, 90-92, 96-97, 99, 102-103, and 109-119 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully

request that the rejection of claims 3, 5, 10-11, 16, 18, 62, 64, 69, 75-76, 79, 84, 90-92, 96-97, 99, 102-103, and 109-119 be withdrawn.

4. Rejection of Claims 10-11, 62-63, 69, 76, 78, and 84 under 35 U.S.C. §102

Claims 10-11, 62-63, 69, 76, 78, and 84 have been rejected under §102(e) as allegedly anticipated by *Dinh et al.* (U.S. 6,434,615). Applicants respectfully traverse this rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 63 and 78

Applicants respectfully submit that *Dinh et al.* fails to teach, disclose or suggest at least the feature of “configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier element” as recited in claims 63 and 78. The Office Action alleges that this feature is disclosed by *Dinh et al.* in Col. 6, lines 4-16. Applicants respectfully disagree.

Dinh et al. merely discloses the broad concept of establishing a communication link between devices: “[when] the first diagnostic server applications 240 decodes the diagnostic command for the first remote standalone computer 270, an Internet/Intranet communication line **is established** between the controlling computer system 120 and the first remote standalone computer system 270.” (Col. 6, lines 8-13.) *Dinh et al.* treats the network or networks connecting the diagnostic server 240 and the standalone computer 270 as a black box, and does not disclose how the link between the two devices is established.

Furthermore, *Dinh et al.* has no reason to treat the network as anything more than a black box, since *Dinh et al.* is directed to how to divide diagnostic functionality between a program

240 running on a remote system 270 and a program 230 running on an HTTP server 220. *Dinh et al.* is not directed to the problem of establishing a channel between the two systems, instead assuming that the Internet provides such a channel.

In contrast, claim 63 specifically recites the step of “configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier,” and claim 78 specifically recites the structure “means for configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier.” *Dinh et al.* discloses neither this step nor this structure.

For at least the reason that *Dinh et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Dinh et al.* does not anticipate claims 63 and 78. Therefore, Applicants request that the rejection of claims 63 and 78 be withdrawn.

b. Claims 10-11, and 62

Applicants respectfully submit that *Dinh et al.* fails to teach, disclose or suggest at least the feature of “assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device” as recited in claim 10. The Office Action alleges that because the server communicates with the remote computer in *Dinh et al.*, the “second communication device clearly has an assigned IP address.” (Office Action, p. 13, lines 12-16.)

Applicants agrees that both computers in *Dinh et al.* have an assigned IP address. However, Applicants notes that claim 10 does not recite “having an assigned IP address.” Instead, claim 10 recites the step of assigning an IP address. *Dinh et al.* does not disclose, teach, or suggest this step. For at least the reason that *Dinh et al.* fails to disclose, teach or suggest the

above-described features, Applicants respectfully submit that *Dinh et al.* does not anticipate claim 10. Furthermore, since claim 10 is allowable, Applicants respectfully submits that claims 11 and 62 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 10-11, and 62 be withdrawn.

c. Claims 69, 76, and 84

Since claims 63 and 78 are allowable, Applicants respectfully submit that claims 69, 76, and 84 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 69, 76, and 84 be withdrawn.

5. Rejection of Claims 64-68, 72, 74-75, 77, 79-83, and 86 under 35 U.S.C. §103

Claims 64-68, 72, 74-75, 77, 79-83, and 86 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of Applicants' admitted prior art. Since claims 63 and 78 are allowable, Applicants respectfully submits that claims 64-68, 72, 74-75, 77, 79-83, and 86 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 64-68, 72, 74-75, 77, 79-83, and 86 be withdrawn.

6. Rejection of Claims 87, 103, 105, and 110 under 35 U.S.C. §103

Claims 87, 103, 105, and 110 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of "Microsoft Press Computer Dictionary," 2nd ed. (hereinafter *Doyle*). Applicants respectfully traverse this rejection. It is well established at law that, for a

proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 87 and 105

- i. The proposed combination does not teach “instructing a network device to couple the first communication channel to the second communication channel”

The Office Action alleges that this feature is disclosed by *Dinh et al.* in Col. 6, lines 4-16.

Applicants respectfully disagree. Furthermore, this feature is not disclosed by *Doyle* either.

Dinh et al. merely discloses the broad concept of establishing a communication link between devices: “[when] the first diagnostic server applications 240 decodes the diagnostic command for the first remote standalone computer 270, an Internet/Intranet communication line **is established** between the controlling computer system 120 and the first remote standalone computer system 270.” (Col. 6, lines 8-13.) *Dinh et al.* treats the network or networks connecting the diagnostic server 240 and the standalone computer 270 as a black box, and does not disclose how the link between the two devices is established.

In contrast, claim 87 specifically recites the step of “instructing a network device to couple the first communication channel to the second communication channel” and claim 78 specifically recites the structure “means for configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier.” *Dinh et al.* discloses neither this step nor this structure.

- ii. The proposed combination does not disclose “the first communication device located in a first network operated by a first provider, and the second communication device located in a second network operated by a second provider different than the first provider”

The definition for the term “gateway” cited in the Office Action in the *Doyle* reference teaches that a gateway connects two dissimilar networks, but does not disclose the two networks are operated by different providers. Nor is the feature described above inherent, since a gateway can be used to connect two different subnetworks both operated by the same provider.

Even assuming, *arguendo*, that *Doyle* teaches the two dissimilar networks are operated by two different providers, combining this teaching with *Dinh et al.* does not suggest that the two devices be located in the two different networks. The location of any of these devices is unimportant to the system of *Dinh et al.*, which treats Internet as a communications “pipe,” and the details of this pipe are unimportant to the functioning of *Dinh et al.*.

In contrast, the location of particular devices is relevant to Applicants’ claimed invention as recited in claims 87 and 105. As described in Applicants’ specification (pages 6-7), particular problems arise when one device is located in a network operated by a network service provider and the other is located in a network operated by an access network provider, and Applicants’ invention solves these problems.

- iii. The proposed combination does not teach “determining a predefined second communication channel to the second communication device that is associated with the predefined identifier;”

The Office Action alleges that this feature is disclosed by *Dinh et al.* in Col. 6, lines 4-16. Applicants respectfully disagree. Furthermore, this feature is not disclosed by *Doyle* either.

Applicants will assume, *arguendo*, that the “predefined identifier of the second communication device” refers to the IP address of the standalone computer 270. There is no teaching in *Dinh et al.* that the diagnostic server 230 determines “a predefined communication

channel” to the standalone computer 270 that is “associated with” this IP address, as recited in claims 87 and 105. *Dinh et al.* merely discloses that “an Internet/Intranet communication line **is established** between the controlling computer system 120 and the first remote standalone computer system 270.”

iv. Conclusion

Since the proposed combination of *Dinh et al.* in view of *Doyle* does not teach at least the above-described features recited in claims 87 and 105, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claims 87 and 105 are not obvious under the proposed combination of *Dinh et al.* in view of *Doyle*, and the rejection should be withdrawn.

b. Claims 103 and 110

Since claims 87 and 105 are allowable, Applicants respectfully submits that claims 103 and 110 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 103 and 110 be withdrawn.

7. Rejection of Claims 88-92, 95-99, 101-102, 104, 106-109, and 111 under 35 U.S.C. §103

Claims 88-92, 95-99, 101-102, 104, 106-109, and 111 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of “Microsoft Press Computer Dictionary,” 2nd ed. (hereinafter *Doyle*) and Applicants’ admitted prior art. Applicants respectfully traverse this rejection. Since claims 87 and 105 are allowable, Applicants respectfully submits that claims 88-92, 95-99, 101-102, 104, 106-109, and 111 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 88-92, 95-99, 101-102, 104, 106-109, and 111 be withdrawn.

8. Rejection of Claims 70-71 and 85 under 35 U.S.C. §103

Claims 70-71 and 85 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of RFC 2356 by Montenegro and Gupta (hereinafter Montenegro). Applicants respectfully traverse this rejection. Since claims 63 and 78 are allowable, Applicants respectfully submits that claims 70-71 and 85 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 70-71 and 85 be withdrawn.

9. Rejection of Claims 18 and 73 under 35 U.S.C. §103

Claims 18 and 73 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of *Dowling* (6,574,239). Applicants respectfully traverse this rejection. Since claim 63 is allowable, Applicants respectfully submits that claims 18 and 73 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 18 and 73 be withdrawn.

10. Rejection of Claims 93 and 100 under 35 U.S.C. §103

Claims 93 and 100 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of “Microsoft Press Computer Dictionary,” 2nd ed. (hereinafter *Doyle*) and RFC 2356 by Montenegro and Gupta (hereinafter Montenegro). Applicants respectfully traverse this rejection. Since claim 87 is allowable, Applicants respectfully submits that claims 93 and 100 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 93 and 100 be withdrawn.

11. Rejection of Claim 94 under 35 U.S.C. §103

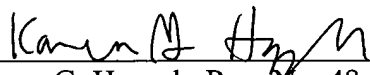
Claim 94 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of Dictionary,” 2nd ed. (hereinafter *Doyle*) and *Dowling* (6,574,239). Applicants respectfully traverse this rejection. Since claim 87 is allowable, Applicants respectfully submits that claim 94 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claim 94 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 3-5, 7-11, 16, 18, 62-64, 66-79, and 81-111 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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